

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF TENNESSEE  
COLUMBIA DIVISION**

AUTOMOTIVE EXPERTS, INC.,	)	
	)	
Plaintiff,	)	
	)	Case No. 3:19-cv-00982
v.	)	
	)	Judge Eli J. Richardson
KEITH KALLBERT, KATHRYN	)	Magistrate Judge Jeffery S. Frensley
KALLBERG, KALLBERG EMERGENCY	)	
MANAGEMENT, INC. MATTHEW	)	
KALLBERT, and LISA KALLBERG	)	
	)	
Defendants.	)	

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**ENTRY OF DEFAULT**

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Pending is Plaintiff's Motion for Entry of Default against Defendant Kallberg Emergency Management, Inc. (Doc. No. 105). For the following reasons, Plaintiff's Motion is **GRANTED**.

Plaintiff filed an Amended Complaint on July 8, 2020, against Defendants Kathryn Kallberg, Keith Kallberg, Matthew Kallberg, Lisa Kallberg, and Kallberg Emergency Management, Inc. ("KEM"). (Doc. No. 49). All Defendants answered the Amended Complaint on August 3, 2020, (Doc. No. 54), and thereafter actively defended the action. On April 7, 2023, Defendants' counsel filed an Amended Motion to Withdraw. (Doc. No. 98). The Court granted the Amended Motion to Withdraw on May 25, 2023, and ordered Defendants to secure new counsel by June 26, 2023. (Doc. No. 101). The Court reminded KEM that, "business entities must be represented by counsel authorized to practice law in this Court." *Id.* On June 29, 2023, the Court entered a pretrial order in which it again reminded KEM that it needed to retain counsel because it could not proceed pro se. (Doc. No. 103).

On July 13, 2023, Plaintiff filed the pending Motion for Entry of Default against KEM (Doc. No. 105). In support of the Motion, Plaintiff filed a Memorandum of Law in Support and the Declaration of Eric Lee. (Doc. Nos. 106 and 106-1). Mr. Lee, who is counsel for Plaintiff, declared that “[d]espite twice being warned by this Court that it must appear through counsel, KEM has not had counsel appear.” (*Id.* at PageID # 835). A review of the docket confirms that counsel has not entered an appearance on behalf of KEM to date.

“When a party against whom a judgment for affirmative relief is sought has failed to plead or otherwise defend, and that failure is shown by affidavit or otherwise, the clerk must enter the party's default.” Fed. R. Civ. P. 55(a). Although KEM filed an Answer to the Amended Complaint and defended this action until its counsel withdrew, its subsequent failure to “otherwise defend” this action supports the entry of default pursuant to Rule 55(a) of the Federal Rules of Civil Procedure. *See Crisma, Inc. v. SG Commc'ns, LLC*, No. 3:09-0568, 2010 WL 2696498, at \*3 (M.D. Tenn. June 10, 2010), *report and recommendation adopted*, No. 3:09-0568, 2010 WL 2696497 (M.D. Tenn. July 7, 2010).

Accordingly, the Clerk finds that entry of default pursuant to Rule 55(a) of the Federal Rules of Civil Procedure is appropriate. Plaintiff's Motion for Entry of Default Kallberg Emergency Management, Inc. (Doc. No. 105) is hereby **GRANTED**.

s/ Lynda M. Hill

Lynda M. Hill  
Clerk of Court